7500082

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHAML COME:

Seed Research Associates, Inc.

TUlkereas, there has been presented to the

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF ACVENTEEN YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, R IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT RIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS ASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS ED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT

'Plainsman V'

In Lestimony Manereot, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this seventh day of September in the year of our Lord one thousand nine hundred and seventy-six

Red LBut

Secretary of Agriculture

(DATE)

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Neverse.					
1. VARIETY NAME OR TEMPORARY DESIGNATION	2. KIND NAME		FOR OFFICIAL USE ONLY		
Plainsman V	Hard Red W	inter Wheat	750	0082	
3. GENUS AND SPECIES NAME	4. FAMILY NAME (Bot	anical)	FILING DATE	TIME 7 A.M.	
<u>Triticum</u> aestivum	Graminaeae		FEE RECEIVED	BALANCE DUE	
aes civam	5. DATE OF DETERM	INATION	\$ 250	\$	
	June 1972		1250	\$	
		·	1\$250	\$	
6. NAME OF APPLICANT(S)	7. ADDRESS (Street at Code)	ed No. or R.F.D. No., C	City, State, and ZIP	8. TELEPHONE AREA CODE AND NUMBER	
Seed Research Associates Inc.	Route 2 Scott City	AC 316 872-2807			
9. IF THE NAMED APPLICANT IS NOT A PER ORGANIZATION: (Corporation, partnership, a		10. STATE OF INCOR	RPORATION	11. DATE OF INCOR- PORATION	
Corporation		Kansas	June, 1973		
12. Name and mailing address of applica	int representative(s), if any, to serve i	in this application a	and receive all papers:	
Seed Research Associa Route 2 Scott City, Kansas,67					
13. CHECK BOX BELOW FOR EACH ATTACHA					
[X] 13A. Exhibit A, Origin and Breed	ding History of the	Variety (See Sectio	n 52 of the Plant V	ariety Protection Act.)	
🔀 13B. Exhibit B, Botanical Descr	iption of the Variet	y			
[X130. Exhibit C, Objective Descri	iption of the Variety	7			
🔀 13D. Exhibit D, Data Indicative	of Novelty				
13E. Exhibit E, Statement of the					
14A. Does the applicant(s) specify that (See Section 83(a), (If "Yes," ans	wer 14B and 14C be	elow.)	YES NO		
14B. Does the applicant(s) specify that		· ·		erations of production	
limited as to number of generations	YES NO	beyond breed		D ERTIFIED	
The applicant declares that a viable sa ance of a certificate and will be replet	_	=		-	
The undersigned applicant(s) of this uniform, and stable as required in Sec Plant Variety Protection Act.					
Applicant is informed that false repre	sentation herein ca	n jeopardize protec	tion and result in p	enalties.	
4/10/75		Leunis	1 Does	Ken	
/ / (DATE)		(51	GNATURE OF APPLICA	00001	

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

- Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.
- 13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.
- 13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.
- 13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.
- 13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

13A. Origin and Breeding History of Plainsman V

Triticum aestivum cross: SRAI 1970 (spring habit, semi dwarf with brown chaff) crossed with SRAI 1900 (winter habit, short semi dwarf, genetically high protein line with brown chaff)

A single plant was selected from this cross which was 26 inches in height, had 12 heads with a 3 seed per spikelet tendency with large seed and brown chaff. Increase from this single plant selection was started in 1972. The protein was 16.8%.

It is a pure line with no known variants. Certification is being applied for in 1975. It was included in the Kansas Intrastate Nursery dryland test in 1974 and again in 1975. In 1974 it outyielded the checks at the 10 locations and was significantly higher in protein at the 10 locations.

13B. Botanical Description of Plainsman V

The seed is hard red with genetically high protein.

The seed is elliptical with a short small brush. The crease is narrow, mid deep with rounded cheeks. The germ is large.

Plainsman V had a green coleoptile. Leaf prior to jointing is 4 m.m. wide and 9.7 c.m. long.

The spike is awned, fusiform, lax with brown chaff. The position of spike at maturity is erect.

Glumes are brown, hard and leathery. The outer glume is 4 m.m. wide and 11 m.m. long. Shoulder narrow, oblique, and beak acuminate. Beak from 3 mm. ito 15 m.m.

Awns are brown. Awns on 2nd and 3rd spikelet 6 cm. long. Three seeds per spikelet under favorable conditions.

FORM GR-470-6 (2-15-73)

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION

EXHIBIT C

GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

OBJECTIVE DESCRIPTION OF VARIETY

WHEAT (TRITICUM SPP.) INSTRUCTIONS: See Reverse. FOR OFFICIAL USE ONLY NAME OF APPLICANT(S) PYPO NUMBER Seed Research Associates Inc
ADDRESS (Street and No. of R.F.D. No., City, State, and ZIP Code) 7500082
VARIETY NAME OR TEMPORARY
DESIGNATION Route 2. Box 48 Plainsman V Scott City, Kansas, 67871 Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 089 or 09) when number is either 99 or less or 9 or less. 1. KIND: 1 | 1 = COMMON 7 = CLUB 5 = POLISH 6 = POULARD 4 = SPELT 3 = EMMER 2 = DURUM2. TYPE: 3 = OTHER (Specify) 1 = SOFT 2 | 2 = HARD 2 1 = SPRING 2 = WINTER 3 = OTHER (Specify) 3 = OTHER (Specify)] = WHITE 2 = RED 3. SEASON - NUMBER OF DAYS FROM EMERGENCE TO: LAST FLOWERING FIRST FLOWERING MATURITY (50% Flowering): NO. OF DAYS EARLIER THAN . EAGLE . 3 = CHRIS 2 = SCOUT1 = ARTHUR 5 = NUGAINES 6 = LEEDS NO. OF DAYS LATER THAN PLANT HEIGHT (From soil level to top of head): 72 CM. HIGH 2 = SCOUT 1 = ARTHUR CM. TALLER THAN 5 = NUGAINES 6 = LEEDS 4 = LEMHI CM. SHORTER THAN Eagle ... 7. ANTHER COLOR: PLANT COLOR AT BOOTING (See reverse): 1 1 = YELLOW 2 ± PURPLE 3 ≃ BLUE GREEN 1 = YELLOW GREEN 2 = GREEN 8. STEM: 2 Waxy bloom:] = ABSENT 2 = PRESENT 1 2 = PRESENT Anthocyanin: 1 = ABSENT Hairiness of last internode of rachis: | | = ABSENT ì Internodes: 1 = HOLLOW 2 = PRESENT CM. INTERNODE LENGTH BETWEEN FLAG LEAF NO. OF NODES (Originating from node above ground) AND LEAF BELOW 9. AURICLES: 2 = PRESENT Hairiness: 1 = ABSENT 1 Anthocyanin: 1 = ABSENT 2 = PRESENT 10. LEAF: 2 = RECURVED 1 = ERECT Flag leaf: 1 = NOT TWISTED 2 = TWISTED booting stage: 3 = OTHER (Specify): 2 = PRESENT Waxy bloom of flag leaf sheath: 1 = ABSENT 2 = PRESENT Hairs of first leaf sheath: 1 = ABSENT 3 CM. LEAF LENGTH (First leaf below flag leaf): MM. LEAF WIDTH (First leaf below flag leaf)

FORM GR-470-6 (REVERSE)			
11. HEAD:			2 2 - CL AVATE
Density: 1 = LAX 2 =	= DENSE	Shape: 1 = TAPERING 4 = OTHER (Sp.	TUSLIBIO
Awnedness: 1 = AwnLES	ss 2 = APICALLY AWNLETED 3 =	AWNLETED 4 = AWNED	
5 Color at maturity: 5 = BR	HITE 2 = YELLOW 3 = PINK 4 = R ROWN 6 = BLACK 7 = OTHER (<u> </u>
1 0 CM. LENGTH		1 5 MM. WIDTH	
12. GLUMES AT MATURITY:			•
3 Length: 1 = SHORT (CA. 3 = LONG (CA.	2 = MEDIUM (CA. 8 mm.) 9 mm.) 2 = Tupe scent	Width: 1 = NARROW (C 3 = WIDE (CA.	
1 - 1			
2 Shoulder 1 = WANTING shape: 4 = SQUARE		3 Beak: 1 = OBTUSE	2 = ACUTE 3 = ACUMINATE
13. COLEOPTILE COLOR:		14. SEEDLING ANTHOCYAN	IN:
I = WHITE 2 = RED	3 = PURPLE	1 = ABSENT 2 =	PRESENT
15. JUVENILE PLANT GROW	TH HABIT:		
1 = PROSTRATE	2 = SEMI-ERECT 3 = ERECT		
16, SEED:			
3 Shape: 1 = OVATE	2 = OVAL 3 ≈ ELLIPTICAL	1 Cheek: 1 = ROUNDED	2 = ANGULAR
1 Brush: 1 = SHORT 2	2 = MEDIUM 3 = LONG	Brush: 1 = NOT COL	LARED 2 = COLLARED
1 1	= IVORY 2 = FAWN 3 = LT. BROWN = BROWN 5 = BLACK		
3 Color: 1 = WHITE 2	2 = AMBER 3 = RED 4 = PURPLE	5 = OTHER (Specify)	
7 MM. LENGTH	3 MM. WIDTH	3 0 GM. PER 1000 S	EEDS
17. SEED CREASE:			
	SS OF KERNEL 'WINOKA'		LESS OF KERNEL 'SCOUT'
1 1 1	S OF KERNEL 'CHRIS'	2 = 35% OR	LESS OF KERNEL 'CHRIS'
	WIDE AS KERNEL 'LEMHI'	3 = 50% OR	LESS OF KERNEL 'LEMHI'
	d, 1 = Susceptible, 2 = Resistant)		
STEM RUST (Races)	2 LEAF RUST (Races)	O STRIPE RUST (Races)	O LOOSE SMUT
O POWDERY MILDEW	1 BUNT	OTHER (Specify)	Soil borne mosaic
19. INSECT: (0 = Not Texted	i, 1 = Susceptible, 2 = Resistant)		
O SAWFLY	O APHID (Bydv.)	O GREEN BUG	O CEREAL LEAF BEETLE
OTHER (Specify)	HESSIAN FLY	GP A	в с
	RACES:	DE	FG
20 INDICATE WHICH WASIE	TY MOST CLOSELY RESEMBLES THAT	SUBMITTED:	·
CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering	Plenner II	Seed size	Marrage W.
Leaf size	" "	Seed shape	,,
Leaf color	" "	Coleoptile elongation	,
Leaf carriage	11	Seedling pigmentation	

INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for the standardization of terms and procedures for completing this form:

- (a) L.W. Briggle and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, United States Department of Agriculture.
- (b) W.E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts. (See attachment.)

LEAF COLOR: Nickerson's or any recognized color fan should be used to determine the leaf color of the described variety.

00005

EXHIBIT D: Plainsman V - Application No. 7500082 Most similar variety is Triumph 64

Plainsman V

Triumph 64

Season

very early Jan 1 to heading 136 days

very early Jan. 1 to heading 137 days

Height

Semi dwarf (72 cm)

Normal (103 cm.)

Grain Texture

hard

hard

Grain Color

red

red

Straw Strength

strong (0% lodging) med. to weak (20% lodging)

Glume color

brown

straw

Awn type

bearded

bearded

Growth habit

winter

winter

Genetically high protein Yes

Νo

90000

That fed Winter What Swally Fearch Unit, ARS monhatten, Kanaac

Table 1. Chemical, Milling, and Baking Data for Special Plant Breeders' Samples of Hard Winter Wheat Progenies Harvested in Scott County, Kansas in 1973 1/

LB 733 Dual TELB 735 Dual TE	LB 732 Dual XL	Scout Plainsman I		Variety				111 36066 8081123 111
		13546		State No.	C.I.			
59.3	57.3	58.7 60.3	TDS.	E.	Wt. Per		1	
1.87 1.94	1.76	1.65 1.32	, ,	Ash		Wheat 2		
15.7 15.7	15.3	16.5 15.5	, , ,	tein	Pro-	170	3/	
74.8 .53	71.8	75.0	75 0	% 1.Te.ru	Flour			
.53	.48	.45	44	%	\ \frac{1}{2}	Flour 2/		
15.1	•	15.6 14.6	12.7	%	Pro-	1 <u>r</u> 2/		
62.8	67.3	70.0 63.4	64.4	79	sorp-	Ab-		
0.0	ر ا ا	8 3 7	ည် သ	min.	ing 3/	Mix-	٥	ę.
⊢ 5	0-1 2-3	0-1 2	2	₽8.	quire- ment	Re-	KBr03	2/ Prood-baking Data
S	လ လ	တ တ	S		Grain	_	0	ing Data
1185	1181 1154	1208		66.	Rec d	ŝ	Loaf V	T ₂ 2
1141	1166 1125	1200	1168	14.5% P	0 -	Cor-	Loaf Volume	

^{1/} Chemical data expressed on a 14% moisture basis.

\$

^{2/} S, Q, and U - Satisfactory, questionable, and unsatisfactory quality with respect to properties in question. A satisfactory variety as undesirable for hard wheat milling and breadmaking purposes. Crumb colors were satisfactory for all entries. factory rating is inferred in the absence of a designated one. One unsatisfactory rating, in general, characterizes a

^{3/} Mixing time used in baking is evaluated in conjunction with other mixing properties obtained from the 10-g. mixogram.

^{4/} Softer than average hard wheat milling properties but entirely satisfactory.

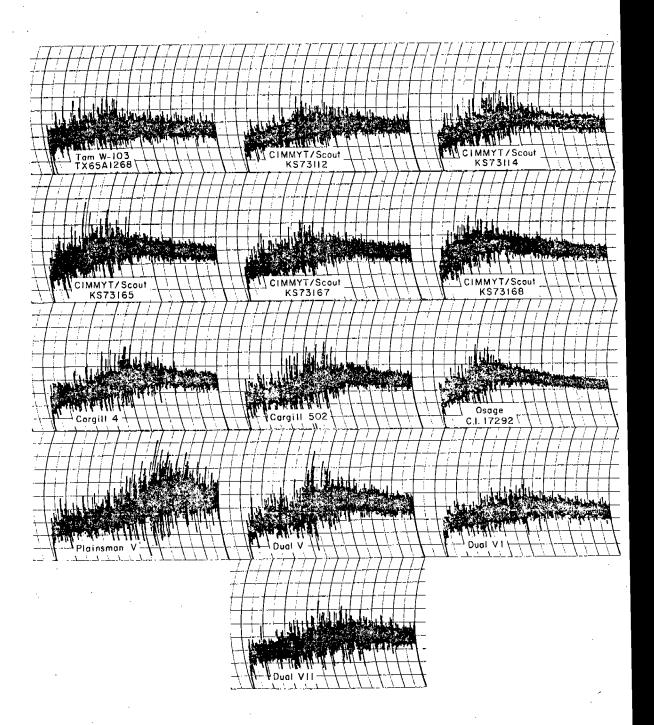


Fig. 2. Mixograms (10-g.) for the Kansas Intrastate Nursery composites of hard winter wheat progenies harvested in 1974.

AMERICAN SEED TRADE ASSOCIATION, INC.



OFFICE OF THE EXECUTIVE VICE PRESIDENT

1 1

HAROLD D. LODEN

Suite 964, Executive Building 1030 15th Street, N.W. Washington, DC 20005 Telephone (202) 223-4080

June 16, 1981

Mr. Bernard Leese Commissioner, PVP Plant Variety Protection Office USDA/AMS National Agricultural Library Fifth Floor Beltsville, Maryland 20705

Dear Bernard:

Enclosed herewith for your file and information is a recent news release from The Kansas City Star, which may be of interest to you.

With best regards, I am

Executive Vice President

HDL:emd

Enclosure

Wheat continued

continued from pg. 1A

central Kansas and Grant and Kay counties in north-central Oklahoma.

Company spokesman Keith Emke, a cereal chemist at the Dixie Portland mill in Arkansas City in Cowley County, said whole fields of the distinctive red-brown Plainsman V wheat have been found among the golden grain that typically fills Kansas fields.

Emke said several farmers have been found to have planted the wheat without the flour mill's permission, and that more violations are being discovered every day.

Emke refused to reveal the names of alleged violators until they are notified by Dixle Portland attorneys.

Preliminary estimates by the Kansas Crop and Livestock Improvement Association indicated possibly 25 percent, or about 165,000 acres, of the wheat in the two counties are Plainsman V.

But Lowell Burchett, secretary of the non-profit Kansas Crop Improvement Association, estimated that as much as 50 percent of the wheat planted in Sumner and Cowley counties could be of the bootlegged variety. Burchett's estimate, which has been supported by other expert observers, means more than 300,000 acres could be holding Plainsman V.

Emke said his company has licensed farmers to grow only 30,000 acres of the wheat.

He said he has run half-page ads in local newspapers warning farmers who are growing the variety illegally that they could face up to \$10,000 in fines if they sell the wheat for seed and possibly face an injunction through civil court that would prevent them from harvesting their crop until legal disposition of the grain is determined.

For farmers, successful defense of the Plant Variety Protection Act will mean a change in the way they have always planted wheat—traditionally without regard to origin of the seed. Farmers will need to pay closer attention not only to the variety they are planting and whether it is pro-

cording to one source.

Emke then began contracting with farmers to grow a small amount of the wheat for blending in Dixie Portland mills.

But two years ago, he said, some farmers, on the side, began selling some of the wheat they had raised under contract. By the time Dixie Portland attorneys were able to halt the sales, the seed had been widely distributed.

Farmers like Plainsman V for many reasons: The wheat is a high-yielding, early maturing, semi-dwarf (short straw) variety that is winter-hardy and resistant to certain diseases.

"When you get a variety that matures so early and still produces such a high yield, that's ... a remarkable thing," Burchett said.

But domestic millers cringe at the thought of having the nation's prime wheat-producing area overrun with the wheat.

Emke, vice president of quality control for Dixie Portland's five flour mills, said Plainsman V flour is too strong in both protein and gluten content for breadmaking purposes and is good only when a small amount is used to strengthen other wheat flours.

"If that variety commanded the same acreage as Newton wheat (Kansas' most popular variety) it would totally upset the wheat reputation of this state," said one cereal chemist at a Wichita flour mill. He likened bread dough made from Plainsman V flour to a rubber ball.

"You have to understand," Emke said, "that while a little bit of this wheat is very desirable for flour mills, any more of it and suddenly it turns into a horrible detriment."

Emke said his company began contracting with farmers within 100 miles of Arkansas City to grow the wheat when Kansas wheat was averaging about 10 percent protein and was low in gluten content.

Since then, he said, new varieties have raised Kansas crops' average protein—to about 12 percent—and gluten strengths, making it unnecessary for his company to contract for Plainsman V beyond this harvest year.

Emke said, however, that the company intends to honor old contracts, some of which have four years to run, and that it still intends to pursue violations of the Plant Variety Protection Act.

Last year the act was tested for the first time in court when Kansas City-based North American Plant Breeders won a settlement against a company that was selling North American's Lud barley variety undery a different name.

North American won \$7,000 and stopped the unlicensed firm from selling the seed.

"There is a principle involved here that can't be ignored," Emke said.

"There are a lot of farmers who know about the plant protection act but they feel no one is going to support it," he said. "Maybe with the public varieties (those developed and released by land grant universities) no one will. But the commercial companes aren't going to let them get away with it."

Illegal crops may plague wheat harvest in Kansas

By Karen Freiberg

rkansas City, Kan.—The apparently widespread planting of bootlegged wheat in south-central Kan-

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For farmers, successful defense of the Plant Variety Protection Act will mean a change in the way they have always planted wheat-traditionally without regard to origin of the seed. Farmers will need to pay closer attention not only to the variety they are planting and whether it is protected by law, but also whether they are buying it from a licensed dealer.

For owners and developers continued violation of the law will cause them to be less willing to invest in new variety develop-

For the state, infiltration by Plainsman V wheat could damage its reputation.

Plainsman V was developed by Ken Goertzen, a Scott City, Kan., wheat breeder. Goertzen sold the patent to Dixie Portland for about \$100,000 plus royalties on all bushels produced by the company, acEmke then began contracting with farmers to grow a small amount of the wheat for blending in Dixle Portland mills.

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Illegal crops may plague wheat harvest in Kansas

By Karen Freiberg The Star's agribusiness edito

rkansas City, Kan.—The apparently widespread planting of bootlegged wheat in south-central Kansas may sour the 1981 harvest in this historically rich agricultural region.

Payday for wheat farmers here comes once a year. But as the annual harvest ritual moves into full swing in the state's southernmost counties, that payday may be marred by stiff penalties and courtordered injunctions preventing the harvesting of some farmers' crops.

The problem: Some Kansas farmers, apparently disregarding the Plant Variety Protection Act of 1970, allegedly have illegally planted large amounts of Plainsman V wheat, a variety that is protected from public distribution.

The outcome could have far-reaching

effects, not only on the area's farmers and developers of new varieties of wheat, but also on Kansas—a state that historically outproduces other wheat states by a large margin.

The Plant Variety Protection Act was passed by Congress to stimulate development of better plant varieties. Companies that pump millions of dollars into research for new varieties can patent their plants in a manner similar to industrial patents, giving owners first crack at recovering their investment through seed sales.

But owners of the patent for Plainsman -Memphis-based Dixie Portland Flour Mills Inc.—say farmers who obtained seeds through illegal channels have indiscriminately planted it in at least four counties: Cowley and Sumner in south-

See Wheat, pg. 8A, col. 1

File -Where application# 750008

U. S. DEPARTMENT OF AGRICULTURE

Memorandum

AGRICULTURAL MARKETING SERVICE Livestock, Poultry, Grain & Seed Div. Seed Regulatory Branch 612/725-2923 113 Federal Office Building Minneapolis, MN 55401

DATE: August 3, 1981

TO

L. D. Herink

FROM

G. D. Koskinen, Officer in Charge

SRB Minneapolis, MN

SUBJECT:

Plainsman V Wheat

Kansas seed control and seed certification officials were contacted on July 31, 1981.

Seed Control officials Glen Searcy and Bruce Kramer stated there was a problem as stated in the article. The problem developed in part because Dixie-Portland did not maintain tight control on the seed their contract growers had. Dixie-Portland signed 5 year contracts with their growers and would furnish certified seed the first year. They then instructed their growers to save part of their crop for seed for the next planting. Farmers apparently saved more seed than they needed for their own planting and would sell what was left over as uncertified seed. Glen Searcy stated there is widespread planting of uncertified seed because of this practice by Dixie-Portland of instructing their own contract growers to plant uncertified seed.

Seed certification official Lowell Burchett said the first article on this problem was in a Kansas City newspaper. After that he said a lot of reporters inquired about this problem. He had an interview with a reporter for the Wall Street Journal last week so it will probably appear in that paper. Burchett said that Dixie-Portland has filed civil suits against the growers who violated their contracts by selling uncertified seed. He thinks this will take care of the problem. Peak year for this problem will probably be this year.

cc:J. Triplitt, Montgomery, AL

PORM AMSHOUT 14-7-ES

CPO : 1972 Q - 465-841

WALL STREET JOURNAL

estate

ive Financing' Can Give s and Sellers Headaches

By LAWRENCE ROUT Staff Reporter of the Wall Street Journal.

MANY HOME SELLERS and buyers, Pereative financis the only way to strike deals in these days of tight ey and high interest rates. But pitfalls await those who forced to turn to financing routes other than convenerm mortgages.

ers are trying to put deals together, and people are bitdward O'Neill, a law professor at Catholic University in Washington, D.C. "But I think

are getting into these things withinking about them."

han half of all single-family home lve some form of creative financng to a recent survey by the Najation of Realtors. Of the brokers % say more than three-quarters of ire done with unconventional techniques.



most common form of creative financing, the seller yer some of the purchase price, typically at below-mar-rates and for about three years. The buyer makes a nt and monthly payments to the seller, just as he would t the same time, the seller keeps paying off his mortgage -.

BIGGEST CONCERN, Mr. O'Neill says, involves the t-term nature of seller loans. "The notes come due in e years," he says, "and I'd like to know where people going to get the money to pay them off. Everybody's hopes will come down, and they can then borrow from a hey've been saying that for two years now, and I don't oing to happen in time."
es don't fall, Mr. O'Neill says, some buyers may not qual-

gages. They may have to pay very high rates at finance or they may not be able to get the money at all. "They're the awakening," Mr. O'Neill says, "because if they can't key, the seller (who lent them the money) will foreclose." made three years of payments for nothing,

er problem for the buyer is that the seller may not pay tgage to the bank, which can then take title on the house. promises to make the payments, but he has frequently oss the country and is hard to check on," says Robert hicugo lawyer. Mr. Ryken says contracts should provide notify the buyer when the seller doesn't make a payment, yers should then be allowed to send payments to the bank to the seller.

LERS COULD GET HURT if they don't get large enough mpayments, Mr. Ryken says. For instance, the buyer y not pay taxes or he may allow the house to deteriorate. he buyer then defaults on payments to the seller, the origisyment may not be enough for the seller to pay off the restore the house.

estate experts also warn that creative financing distorts rices. If a buyer pays \$80,000 but gets a \$5,000 break on the he's really paying \$75,000. But the legal price remains t's good for the broker who gets a commission," says associate professor of finance at the University of e seller pays that commission."

MEXICO'S ATTEMPT to raise oil price fizzles, page 31.

SUNFLOWER FUTURES fail to blossom, page 40.

ICC CHAIRMAN slows deregulation, back page.

Illegal Crop Of Wheat Irks Farmers, Mill

Hy Delia Flores Stoff Reporter of The Wall Street Journal Some farmers in southeastern Kansas have just harvested a different kind of wheat, something known as Plainsman Five. It's red. And it's illegal.

Only farmers under contract to Dixie-Portland flour mili can legally grow Plainsman Five. But that hasn't stopped bootleggers from obtaining the seed and planting hundreds of thousands of acres, many of them in Sumner County.

The wheat, coveted for the high protein content that increases its value, has created quite a stir in farm country. The farmers who legally grow it are furlous at the bootleggers. The bootleggers say no one should own the right to grow anything. And Dixie-Portland, intent on protecting its rights, has been mailing letters to farmers threatening to take them to court.

Easy to Spot

To track down violators, the company has been sending scouts into farmers' fields and dispatching airplanes to search for the short, red plants. "It just stands up and screams at you," says Kathy Kolarik, a seed producer in Sumner County, "You can spot it a mile away."

But detection is only the first step, though the color red is nearly proof that wheat is Plainsman Five, the company nuemscopically tests suspicious plants. It also examines land maps to determine whether the plant is growing

legally or illegally. Dealing with the problem "is really kind of a night-mure," says Keith Elunke, the mill's director for quality

dispute started in 1975 when Dixie-Portland,

Federal Co. subsidiary in Arkansas

City, Kan., bought the rights to Plainsman Five from a private seed company that developed the strain and then contracted with some nearby farmers to grow the wheat exclusively for its mill.

But after the first harvest, the wheat's reputation spread and other farmers wanted it. The price a farmer gets for wheat depends partly on its protein content. In a revion where most wheat contains 10% to 12% protein, Plainsman Five stands out with a content as high as 22%. The wheat also is resistant to a local virus, matures early and yields more than other varieties.

Farmers who legally grow the wheat say some of their neighbors stole Plainsman Five during moonlight raids on grain bins and pickup trucks. But other farmers, legally entitled to grow the grain, simply violated the contracts and gave or sold the wheat to friends.

Getting a Return

At first, Dixie-Portland didn't try to track down the thieves. But the problem has grown so severe this summer that the company has intensified its efforts to combat violations. "It's an investment, and we are entitled to get our money back from the cost of developing," says Mr. Ehmke.

Dixe-Portland isn't the only one angry at the bootleggers. Some flour mills suspect that bootleggers have hidden Plainsman Five in other types of wheat to raise protein levels, says Lowell Burchett of the Kunsus Crop Improvement Office. Once buyers suspect an unknown mix, they demand discounts or drop out of the market. Doubts about uniformity lead to lower prices, and then, Mr. Burchett says, "you pay your dues in a real way,"

The conflict pits neighbor against neighbor in other ways, too. A contract farmer might have to haul his wheat 40 miles to Dide Portland while a bootlegger can take his to a closer mill for a higher profit, "It's hard to be congenial to a neighbor who's cutting your throat," Mrs. Kolarik observes.

But to some farmers, a tradition of independence is at stake. Ervin Urban, who farms 1,700 acres with his two sons, says, "If a neighbor has some wheat we want, we feel e have a right to go and buy it. I've lived 50 years, and no one has told me I can or can't grow this or that wheat."

"Just Good Wheat"

He says he bought Plainsman Five seed from a friend two years ago and planted it, not knowing it was protected. "It didn't matter to me what it was," he says. "I just knew it was good wheat."

It mattered to Dixie Portland. The com-pany sent a letter threatening prosecution if he didn't stop. He did, but the mill accused him of growing it again this year. Mr. Urban says he had to hire a lawyer to explain that he's actually growing another variety of wheat with a reddish the cimilar to Plainsman Five. Dixie-Portland dropped the matter.

To Freeman Dillard, another farmer in Sumner County, the whole affair signals changing times. "Twenty-five years ago," he says, "a contract would not have been necessary, because a man's word was his bond" bond.*

13 E. Plainsman V was developed by Seed Research Associates Inc. plant breeders, Kenneth L. Goertzen and Betty L. Goertzen.

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